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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,616	01/09/2002	Mark J. Flanagan	2001P18375US	7020

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EXAMINER

ROCHE, TRENTON J

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,616	FLANAGAN, MARK J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Trenton J. Roche	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is responsive to communications filed 7 August 2006.
2. As per Applicant's request, amended claims 1 and 9 have been entered. Claims 1-31 are currently pending.
3. Claims 1-31 have been examined.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 and 18-30 are rejected under 35 U.S.C. 102(b) as being anticipated by "ICICLE: Groupware For Code Inspection" by Brothers et al. ("Brothers").

#### **Per claim 1:**

Brothers discloses:

- a review facility for providing a document for review by a plurality of reviewers and collecting comments from reviewers ("ICICLE...is a multifarious software system intended to augment the process of formal code inspection...including knowledge-based analysis and annotations of source code, and computer supported cooperative discussion and finalization of inspectors' comments during inspection meetings..." in the abstract, page 169.)
- preparation means for preparing a document for interactive review, means for making prepared documents available for interactive collaborative review ("As the Reader scrolls

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from place to place or views different files, all the inspectors' code windows move with that of the Reader..." on page 173)

- prepared said documents being independently reviewable by reviewers in said interactive collaborative review ("inspectors may wish to view other parts of the module than the one currently being described by the Reader; if they split their code windows in two, other inspectors are able to scroll the second window freely..." on page 173.)
- means for collecting comments on blocks of text in said prepared documents from said interactive collaborative review ("When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors' screen. This window gives the source and text of the comment." on page 174.)
- means for distributing collected said comments from said interactive collaborative review ("When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors' screen. This window gives the source and text of the comment." on page 174. Further, "the merged comment file which is the output of the code inspection meeting." on page 174.)
- means for conducting a formal review, said formal review considering collected comments provided by said reviews participating in said formal review and previously distributed to said reviewers by said means for distributing collected comments ("When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors' screen...[t]he inspectors may not discuss the validity of the commend just as they would at any code inspection meeting." on page 174.)

substantially as claimed.

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**Per claim 2:**

The rejection of claim 1 is incorporated, and further, Brothers discloses a selection means for selecting and retrieving said document, and means for formatting retrieved said documents as claimed (“As the Reader scrolls from place to place or views different files, all the inspectors’ code windows move with that of the Reader.” on page 173. The Reader must make a selection of a file.)

**Per claim 3:**

The rejection of claim 2 is incorporated, and further, Brothers discloses identifying individual blocks of text within said document, reviewers providing comments on ones of said individual blocks of text as claimed (Note Figures 1 and 2. “The symbols to the left of some of the lines of code in Figure 1 denote the presence of comments or annotations associated with the source code...When the user selects one of these symbols via a mouse click a “comment window”...pops up...Users may also enter their own comments through this window.” on page 172)

**Per claim 4:**

The rejection of claim 3 is incorporated, and further, Brothers discloses source code blocks, and individual lines of source code, as well as building a comment file as claimed (Note Figures 1 and 2. “The symbols to the left of some of the lines of code in Figure 1 denote the presence of comments or annotations associated with the source code...When the user selects one of these symbols via a mouse click a “comment window”...pops up...Users may also enter their own comments through this window.” on page 172. Further, “An ‘accepted’ comment is stored in a file:...merged comment file which is the output...” on page 174.

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**Per claim 5:**

The rejection of claim 3 is incorporated, and further, note the rejection of claim 4.

**Per claim 6:**

The rejection of claim 1 is incorporated, and further, Brothers discloses means for providing documents to reviewers, and reviewer selection means for selecting said documents for review responsive to reviewer selection as claimed (“inspectors may wish to view other parts of the module than the one current being described...inspectors are able to scroll the second window freely...” on page 173.)

**Per claims 7 and 8:**

The rejection of claim 6 is incorporated, and further, claims 7 and 8 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

**Per claim 9:**

The rejection of claim 1 is incorporated, and further, Brothers discloses means for distributing collected comments for further interactive review as claimed (“proposing a comment to the inspection committee...The inspectors may now discuss the validity of the comment...The status of a proposed comment is recorded by the Scribe.” on page 174)

**Per claim 10:**

Brothers discloses:

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- a method of reviewing a document being prepared for distribution, said method comprising the steps of preparing a document for interactive review (“As the Reader scrolls from place to place or views different files, all the inspectors’ code windows move with that of the Reader...” on page 173)
- making said prepared document available to a plurality of reviewers for comments on blocks of text, one of said plurality of reviewers returning comments on said prepared document (“When an inspector proposes a comment, a small windows with the text of the comment pops up onto every inspectors’ screen. This window gives the source and text of the comment.” on page 174.)
- conducting a formal review meeting of said plurality of reviewers, whereby one or more of the previously provided comments sufficiently provides attending reviewers awareness of a particular condition with respect to said document that said comment may be addressed in said document prior to said formal review meeting, such that further action is unnecessary at the time of said formal review with respect to said particular condition and each corresponding said comment (“proposing a comment to the inspection committee...The inspectors may now discuss the validity of the comment...The status of a proposed comment is recorded by the Scribe.” on page 174)

substantially as claimed.

**Per claim 11:**

The rejection of claim 10 is incorporated, and further, Brothers discloses retrieving said document for review, and formatting said document, individual blocks of text being identified for comment in said formatted document as claimed (Note Figures 1, 2 and 3 and the corresponding discussion.)

**Per claims 12 and 13:**

The rejection of claim 11 is incorporated, and further, claims 12 and 13 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

**Per claim 14:**

The rejection of claim 10 is incorporated, and further, Brothers discloses selecting said document, reviewing comments on said selected document, determining whether said selected document warrants additional comments, distributing warranted additional comments on said selected document, and repeating the steps until all items for review have been selected as claimed (“As the Reader scrolls from one place to place or views different files...an inspector may interrupt the flow of activity...by proposing a comment to the inspection committee...When the Scribe clicks on the ‘accept’ or ‘reject’ buttons, all the other inspectors’ proposal windows vanish, and the floor is once again free for the Reader to continue traversing the module...” on pages 173 and 174.)

**Per claims 15 and 16:**

The rejection of claim 14 is incorporated, and further, claims 15 and 16 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

**Per claim 18:**

The rejection of claim 10 is incorporated, and further, Brothers discloses the returned comments being available for display by reviewers upon receipt as claimed (“When an inspector proposes a



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comment, a small window with the text of the comment pops up onto every inspectors' screen" on page 174)

**Per claim 19:**

Claim 19 recites a computer program product for performing the actions of the review facility as disclosed in claim 1, and is rejected for the reasons set forth in connection with claims 1 and 10.

**Per claim 20:**

The rejection of claim 19 is incorporated, and further, note the rejection regarding claim 2.

**Per claim 21:**

The rejection of claim 20 is incorporated, and further, note the rejection regarding claim 3.

**Per claims 22 and 23:**

The rejection of claim 21 is incorporated, and further, claims 22 and 23 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

**Per claim 24:**

The rejection of claim 19 is incorporated, and further, note the rejection regarding claim 6.

**Per claims 25 and 26:**

The rejection of claim 24 is incorporated, and further, claims 25 and 26 are rejected for the reasons set forth in connection with claims 4 and 5, respectively.

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**Per claim 27:**

Claim 27 recites a computer-readable medium for performing the method of claim 10, and is rejected for the reasons set forth in connection with claim 10.

**Per claim 28:**

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 11.

**Per claims 29 and 30:**

The rejection of claim 28 is incorporated, and further, claims 29 and 30 are rejected for the reasons set forth in connection with claims 5 and 4, respectively.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 17 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brothers in view of U.S. Patent 6,199,193 to Oyagi et al. ("Oyagi").

**Per claim 17:**

The rejection of claim 14 is incorporated, and further, while Brothers discloses a desire for implementing an ISDN based "Tele"-ICICLE, Brothers does not explicitly disclose the documents

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being stored in a central repository and selecting said documents comprises connecting over the Internet to said central repository and accessing said documents. Oyagi discloses in an analogous software review system the use of a central repository and the selection of information over the Internet as claimed (Note Figure 4 and the corresponding sections of the disclosure. The items are kept on the development computer, and once an item is selected, a replica of the item is replicated on the user's screen for comments.) It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the review system of Brothers with the Internet-based review capability of Oyagi, as this would allow code inspection meetings to take place over distances, as suggested by Brothers on page 173.

**Per claim 31:**

The rejection of claim 27 is incorporated, and further, note the rejection regarding claim 17.

***Response to Arguments***

8. Applicant's arguments filed 7 August 2006 have been fully considered but they are not persuasive.

**Regarding claims 1-31,** Applicant states that Brothers does not disclose that the documents are independently reviewable by reviewers, and that Brothers does not disclose the means for conducting a formal review, which consists of collecting comments provided by said reviewers and considering the comments. In response, the Examiner notes that Brothers discloses the ability to separate an independent reviewers window from the Reader, allowing that reviewer to review

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documents separately, as noted on page 173. As such, the Examiner interprets this to meet the required limitation of allowing documents to be independently reviewable by reviewers.

Furthermore, the Examiner notes that on page 174 Brothers discloses collecting a proposed comment, sending it to the other reviewers via a popup window, upon which the comment can then be discussed between the reviewers. The Examiner interprets this ability to meet the required limitation of collecting comments provided by the reviewers, distributing them to the other reviews, and holding a formal review of the comment.

Applicant further notes specific differences between the instant application and Brothers, however, no clear differences in the claim language and the sections of the reference cited are pointed out and as such are considered generally allegations of patentability. The rejections are proper and maintained.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Trenton J Roche  
Examiner  
Art Unit 2193

TJR

  
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